IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

WP(C).No. 1748 of 2007(G)

PETITIONER:

REJIMOL THOMAS, AGED 42 YEARS,
D/.THOMAS, PARAMALAYIL (AMAL GARDENS)
ATHIRAMPUZHA P.O., KOTTAYAM.

BY ADV. SRI.M.J.THOMAS

RESPONDENTS:

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1. BHARATH SANCHAR NIGAM LIMITED (BSNL)
REPRESENTED BY THE CHIEF GENERAL MANAGER,
THIRUVANANTHAPURAM.

2. THE SUB DIVISIONAL ENGINEER,
BSNL, KOTTAYAM.

3. THE ACCOUNTS OFFICER, BSNL, KOTTAYAM.

4. THE ASSISTANT ENGINEER,
TELEPHONE EXCHANGE, ATHIRAMPUZHA.

BY ADV. SRI.MATHEWS K.PHILIP,SC, BSNL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C)NO.1748 OF 2007

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Dated this the 16th day of January 2007

JUDGMENT

Petitioner's grievance is that the telephone bills raised for July and August 2006 is excessive. However, Standing Counsel for BSNL Sri. Mathew K Philip, produced the break up details of calls made by the petitioner which shows that most of the calls were made to Dubai. Counsel further contended that these calls were made in connection with house warming ceremony of petitioner. I do not think there is any scope for this court to interfere with the telephone bills raised based on call details recorded by automatic machine.

2. In any case, if petitioner is not convinced about the correctness of the bills, even after verifying the call details furnished by BSNL, it is open to the petitioner to make an application for referring the dispute for arbitration. Since call details are furnished by BSNL, petitioner should pay the cost for arbitration, if it results in failure. If petitioner decides to refer the matter for arbitration, petitioner shall make a deposit of Rs.5,000/- towards cost of arbitration along with 1/3rd bill amount

to the 3rd respondent and in that event the matter will be referred for arbitration which should be completed within one month from the date of appointment of arbitrator. If the result of arbitration is in favour to the petitioner, deposit made towards cost will be refunded to the petitioner. However, if the result of arbitration goes against the petitioner, petitioner will pay actual arbitration cost and adjustments will be made from out of the deposits made by him towards cost. If petitioner prefers arbitration, then recovery of 2/3rd will remain stayed till disposal of arbitration. Petitioner shall take a decision and make application within one month from now. If petitioner is convinced about the correctness of the bills, then petitioner is granted five instalments to clear the arrears and first of which will be paid on or before 20-2-2007 and the balance on or before 20th of the four succeeding months.

Writ petition is disposed of as above.

C.N.RAMACHANDRAN NAIR, JUDGE

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